

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RONALD BRUCE ELLIS,

No. 3:11-cv-492-CL

Petitioner,

v.

CITY OF PORTLAND, et al.,

ORDER

Respondents.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, I review legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983).

I agree with Magistrate Judge Clarke that the amended petition must be dismissed without prejudice. Petitioner failed

1 - ORDER

to comply with this court's order to file an amended petition "legibly written or typewritten on forms supplied by the Court." LR 81-1. This court sent petitioner a copy of the form for habeas petitions, but petitioner did not use the form.

The Report and Recommendation cites Local Rule 295-1, a prior version of Local Rule 81-1. The relevant wording is identical, however.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#14) is adopted. The amended petition (#10) is dismissed without prejudice. The court denies a certificate of appealability.

IT IS SO ORDERED.

DATED this 16 day of April, 2012.



OWEN M. PANNER
U.S. DISTRICT JUDGE